

Message Text

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16

ORIGIN L-03

INFO OCT-01 NEA-10 ISO-00 DHA-02 AID-05 PM-04 DRC-01

NSC-05 SP-02 SS-15 CU-04 EB-07 SY-05 /064 R

DRAFTED BY L/HR:CRUNYON:RTG

APPROVED BY D/HA:JMWILSON

NEA - MR. NACH

AID/GC - MR. KESSLER

L/NEA - MR. HUFFMAN

L/PM - MR. BOREK

FADRC/DR/RT - MR. SPARROW (PHONE)

AID/GC - MISS GOLDSTEIN

----- 068165

R 112258Z SEP 75

FM SECSTATE WASHDC

TO AMEMBASSY NEW DELHI

UNCLAS STATE 216621

E.O. 11652:N/A

TAGS: PFOR, PINT, PORG, SHUM

SUBJECT: HUMAN RIGHTS AND DEVELOPMENT ASSISTANCE

REF: (A) NEW DELHI A-57 FEBRUARY 28, 1975 (B) NEW DELHI
A-475 DECEMBER 20, 1974

1. WITH IMPENDING CONGRESSIONAL HEARINGS ON AID'S PROPOSAL
FOR \$76,000,000 IN ECONOMIC ASSISTANCE FOR INDIA, AID/DE-
PARTMENT WILL NEED A CAREFUL FACTUAL UPDATING OF HUMAN
RIGHTS SITUATION WHICH WAS SUBJECT TO DETAILED REPORTS REFS
(A) AND (B), EMBASSY REQUESTED TO CABLE IMPORTANT ELEMENTS
ANSWERS AND AIR POUCH ANY NEW DOCUMENTATION AND ADDITIONAL
INFORMATION RESPONSIVE TO FOLLOWING QUESTIONS AND ANY OTHERS
EMBASSY DEEMS RELEVANT AND IMPORTANT:

(1) BEST AVAILABLE INFORMATION/ESTIMATE NUMBER OF PERSONS
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DETAINED SINCE JUNE 25, 1975 AND CURRENT NET TOTALS BY SIG-

NIFICANT CATEGORIES. SUMMARIZE WHAT CONSTITUTIONAL OR ORDINARY LEGAL PROTECTIONS OF PERSONS PICKED UP OR HELD HAVE BEEN SET ASIDE (AND BY WHAT LEGAL ACTIONS) OR IGNORED (AND IF WITH IMPUNITY, WHY?) MAKING REFERENCE RELEVANT PRIOR REPORTING, CITING LAWS AND PROVIDING COPIES.

(2) BEST AVAILABLE INFORMATION/ESTIMATES ON CONDITIONS (BOTH IN LAW AND IN PRACTICE) OF DETENTION, SPECIFICALLY WITH REGARD TO:

(A) TORTURE OR CRUEL OR INHUMAN TREATMENT

(B) ADEQUACY OF PROVISION FOR HEALTH AND WELL-BEING: FOOD, AIR, SPACE, LIGHT, EXERCISE, SANITARY FACILITIES, SLEEP, HUMAN CONTACTS, ETC.

(C) ACCESS TO FAMILY, LAWYERS, COURTS, RED CROSS, CHURCH OR RELIGIOUS COUNSELLORS

(D) DEGREE AND TYPE OF CONTROL AND SUPERVISION EXERCISED BY CENTRAL AND/OR LOCAL GOVERNMENTS OVER POLICE AND OTHERS PICKING UP AND HOLDING DETAINEES. ARE CONTROLS EXERCISED IN A RESPONSIBLE FASHION, SUBJECT TO PUBLIC ACCOUNTABILITY AND RESPONSIVE TO NEEDS OF DETAINED?

(3) HOW HAS SITUATION (WITH REFERENCE TO SPECIFIC APPLICABLE LAWS AND DECREES AND TO STANDARDS OF UNIVERSAL DECLARATION OF HUMAN RIGHTS) DEVELOPED SINCE FEBRUARY, 1975 WITH RESPECT TO:

(A) FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

(B) FREEDOM OF OPINION AND EXPRESSION

(C) FREEDOM OF ASSEMBLY AND ASSOCIATION

(D) FREEDOM OF MOVEMENT

(E) RIGHT TO PARTICIPATE IN GOVERNMENT

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(F) RIGHT TO WORK, EQUAL PAY FOR EQUAL WORK

(G) RIGHT TO FORM AND JOIN TRADE UNIONS

(H) RIGHT TO ADEQUATE STANDARD OF LIVING

(I) RIGHT TO EDUCATION

(J) RIGHT TO CULTURAL LIFE

(K) ENJOYMENT OF ALL FREEDOMS AND RIGHTS WITHOUT DISCRIMINATION ON GROUNDS OF RACE, SEX, LANGUAGE OR RELIGION

2. PASSAGE YESTERDAY BY HOUSE OF HARKAV AMENDMENT, WHICH WOULD,EXCEPT FOR ASSISTANCE WHICH DIRECTLY BENEFITS NEEDY PEOPLE IN THE COUNTRY CONCERNED , FORBID ;DEVELOPMENT ASSISTANCE TO COUNTRIES WITH CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS, ETC. MAKES FOREGOING UPDATING ESPECIALLY TIMELY.

3 DEPARTMENT REGRETS INFORM EMBASSY DILIGENT SEARCH HAS FAILED PRODUCE COPIES OF ATTACHMENTS TO REF (A). DEPARTMENT MUST THEREFORE REQUEST EMBASSY'S INDULGENCE IN FURNISHING NEW SET OF SUCH DOCUMENTS. KISSINGER

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Message Attributes

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